



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,390	10/25/2001	Drew J. Dutton	5707-00100	5899

7590 08/16/2004

Jeffrey C. Hood
Conley, Rose, & Tayon, P.C.
P.O. Box 398
Austin, TX 78767

EXAMINER

ELAMIN, ABDELMONIEM I

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

Office Action Summary

Application No.

10/004,390

Applicant(s)

DUTTON, DREW J.

Examiner

A Elamin

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 9-11, 13, 17-20, 25-27 and 29 is/are rejected.
7) ☒ Claim(s) 5-8, 12, 14-16, 21-24, 28 and 30-32 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

BEST AVAILABLE COPY

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/21/2002.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 2116

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims *1-3, 9-11, 13, 17-19, 25-27 and 29*, are rejected under 35 U.S.C. 102(b) as being anticipated by Graham, US. Pat. No. 4,507,761.

3. Claims *1 and 17*, Graham teaches a system [*title, abstract*], comprising:

a source device [*abstract*];

a destination device coupled to the source device [*memory circuit, see abstract, col. 2, lines 8-25*];

wherein the source device is configured to violate a known communications rule [*col. 2, lines 13-22*], and wherein the destination device is configured to detect said violating a known communications rule [*using sequence detector circuit 10, col. 4, lines 24-32*];

wherein said violating a known communications rule indicates to the destination device a change in the state of the system [*abstract, col. 2, lines 22-25*].

4. Claims *2-3 and 18-19*, Graham teaches said violating indicates a command from the source device to the destination device to change the state of the system [*abstract, col. 2, lines 8-25*].

BEST AVAILABLE COPY

Art Unit: 2116

5. Claims 9 and 25, Graham teaches said violating comprises driving signals from an input pin of the source device, and wherein the destination device is configured to detect said driving [*abstract, col. 2, lines 22-25*].

6. Claims 10-11, 13, 26-27 and 29, Graham teaches The system as recited in claim 1, wherein the system is a computer system, the computer system comprising: a processor; an I/O controller coupled to the processor; a peripheral bus coupled to the I/O controller; and at least one peripheral device coupled to the peripheral bus [*inherently, a computer system comprises a processor; an I/O controller coupled to the processor; a peripheral bus coupled to the I/O controller; and at least one peripheral device coupled to the peripheral bus*].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham, US. Pat. No. 4,507,761.

9. Claims 4 and 20, Graham fails to teach the destination device includes a phase locked loop (PLL).

Official notice is taken that both the concept and the advantages of phase locked loop (PLL) is old and well known in the art and one of ordinary skill in the art would be motivated to use a phase locked loop (PLL), because it has the advantages of providing linear characteristics, increased switching speed, and high sensitivity.

Art Unit: 2116

Allowable Subject Matter

10. Claims 5-8, 12, 14-16, 21-24, 28 and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A Elamin whose telephone number is (703)305-3804. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A Elamin
Primary Examiner
Art Unit 2116

August 5, 2004

**A. ELAMIN
PRIMARY EXAMINER**

BEST AVAILABLE COPY